



Overview of the Transit Security Advisory Committee

November 19, 2020



Agenda

- Prohibition Order Overview
- AB-716 and AB-730 Legislative History
- TSAC Overview
- Current TSAC Committee Members
- Tasks of TSAC
- BART Police Training
- Prohibition Orders
- Annual Prohibition Order Report

Prohibition Order Overview

- The purpose of AB-730 is to enhance safety and public transit system security by excluding public transit riders whose actions impact the safety and security of public transit passengers and public transit employees.
 - Authorizes BART to issue a prohibition orders to persons who have committed specific violations.
 - Prohibits a person subject to a prohibition order from entering the property, facilities, or vehicles of BART for a period of time deemed appropriate.
 - Specifies prohibition processes, notification procedures, and hearing and appeals procedures.
 - Requires BART to establish an advisory committee and to ensure that personnel charged with issuance and enforcement of prohibition orders receive training as emphasized and recommended by the advisory committee

AB-716 and AB-730 History

- In 2011, AB-716 (Dickinson) granted BART the authority for a pilot program to issue prohibition orders.
- In-mid 2012 the BART formed the BART Transit Security Advisory Committee (TSAC), as required by AB-716.
- BART began issuing prohibition orders in mid-2013.
- In 2017, BART received permanent authority to issue prohibition orders through the passage of AB-730 authored by Assembly member Bill Quirk (D-Hayward).

TSAC Overview

- TSAC members are appointed by the BART Board of Directors.
- TSAC members are subject matter experts in the areas of mental health, homelessness, public safety and youth advocacy and cultural awareness:
 - Mental Health Representative
 - Youth Advocates Representative
 - Law Enforcement Representative
 - At-Large Representatives
- The current TSAC consists of six members and one alternate.

TSAC Committee Members

COMMITTEE MEMBER	ROLE DESCRIPTION	TERM EXPIRATION
Janet Abelson	Public-at-Large <i>(BART Accessibility Task Force)</i>	January 22, 2021
Stephine Barnes	Public-at-Large <i>(BART Station Agent)</i>	July 1, 2022
Randall Glock	Alternate <i>(BART Accessibility Task Force)</i>	July 1, 2022
Sue Kuipers	Mental Health Advocate <i>(Chaplain)</i>	January 22, 2021
Tiffany Lacsado	Public-at-Large	July 1, 2022
Armando Sandoval	Behavioral Health/Youth Advocate <i>(CIT Coordinator)</i>	January 22, 2021
Manuel Vasquez	Public-at-Large <i>(Behavioral Health Advocate)</i>	July 1, 2022
Vacant	Law Enforcement Representative	To be filled 1/2021
Vacant	Alternate	To be filled 1/2021

TSAC Tasks

The advisory committee is tasked with the following:

- Providing recommendations for the training of police officers who issue and enforce prohibition orders.
- Identifying services and programs to which persons who are homeless or who have psychiatric, developmental, or other disabilities may be referred by officers in conjunction with issuance of a prohibition order.
- Monitoring the issuance of prohibition orders to assist the transit district in ensuring compliance with Section 51 of the Civil Code, also known as the Unruh Civil Rights Act.
- Providing the governing board of the transit district and the Legislature with an annual report.

BART Police Training

All BART Police Officers must receive eight (8) hours of training on the following before issuing prohibition orders:

- History of AB-716
- Policy 417
- Practical exercises on understanding and responding to vulnerable populations

Prohibition Orders

A Prohibition Order may be issued to any person who:

- On at least three (3) separate occasions within a period of ninety (90) consecutive days, is cited for any act that constitutes a violation of any of the following:
 - Willfully disturbing others by engaging in boisterous or unruly behavior.
 - Carrying an explosive or acid, flammable liquid, or toxic or hazardous material.
 - Urinating or defecating in a system facility or vehicle, except in a lavatory.
 - Willfully blocking the free movement of another person in a system facility or vehicle.
 - Defacing transit property with graffiti or other inscribed material.
 - Interfering with the operation of a transit vehicle or impeding the safe boarding.
 - Committing an act that may cause harm or injury to any person or property.

Prohibition Orders (cont'd)

- The person is placed under arrest or convicted for a misdemeanor or felony for acts involving violence or threats of violence, lewd or lascivious behavior, or possession for sale of a controlled substance; or
- The person is convicted of a violation of one of the following offenses:
 - Loitering in a public place manifesting an intent to engage in drug-related activity.
 - Loitering in a public place with the intent to commit prostitution.

Length of Prohibition Orders

If issued for three qualifying acts within ninety (90) days, the period of exclusion shall be:

- For a period not-to-exceed thirty (30) days for the first prohibition order;
- For a period not-to-exceed ninety (90) days for the second prohibition order issued within a one-year period from the date of the first prohibition order; and
- For a period not-to-exceed 180 days for a third, or subsequent, prohibition order issued within a one-year period from the date of the first prohibition order.

Length of Prohibition Orders (cont'd)

If arrested or convicted for acts involving violence or threats of violence, lewd or lascivious behavior, or possession for sale of a controlled substance, or if convicted of loitering in a public place with intent to engage in drug-related activity or prostitution:

- For a period not-to-exceed thirty (30) days if issued pursuant to an arrest.
- Upon conviction of a misdemeanor, the duration of the prohibition order for the conviction, when added to the duration of the prohibition order shall not exceed 180 days.
- Upon conviction of a felony, duration of the prohibition order for the conviction, when added to the duration of the prohibition order for the initial shall not exceed one year.

Annual Prohibition Order Report

- Records of all prohibition orders are stored in the BART Police Department's database
- Data is reported to the TSAC and reviewed monthly
- BART staff uses the data to draft an annual report
- TSAC provides recommendations and approves the annual report
- Final report is submitted to the BART Board and the State Legislature
- Annual reports are posted on the BART website

Questions/Discussion

